

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI. REVISION APPLICATION NO. 171 OF 1999

The State of Maharashtra ..Applicant.

V/s.

Shri K.V. Banawalkar ..Respondent.

Shri K.V. Saste, APP for the Applicant-State.
None for the Respondent though served.

CORAM : A.M.KHANWILKAR, J.
DATED : MARCH 03, 2005

PC :-

1. Heard learned APP for the Applicant. None appears for the Respondent though served.

2. This revision application takes exception to the order passed by the learned Metropolitan Magistrate, 22nd Court, Andheri, Mumbai dated 21st July, 1998, dismissing the complaint, under section 256 of the Criminal Procedure Code. The complaint was filed through D.S. Suryawanshi, Government Labour Officer and Inspector under the Contract Labour (Regulation and Abolition) Act, 1970.

3. At the relevant time, the said complainant was transferred to Bhiwandi in District Thane. On account

of his new assignment, the complainant was unable to attend the court and pursue the matter. As a consequence, the complaint came to be dismissed under section 256 of the Code.

4. The fact that the complainant was transferred to Bhivandi and was not in a position to pursue the complaint, as filed in his capacity as the Government Labour Officer and Inspector, under the Act, is a sufficient cause. As the respondent has not contested the petition and no reply has been filed, the assertions made in the present revision have remained uncontroverted. Therefore, the revision deserves to be allowed by setting aside the order impugned in the petition. The impugned order dated 21st July, 1998, passed by the concerned Metropolitan Magistrate is, therefore, set aside and the complaint as filed, is restored to its original number to the file of the appropriate court for being heard and decided in accordance with law.

5. Revision allowed in the above terms.

.....